

DIVISION OF DEVELOPMENTAL DISABILITIES
WAIVER EXCEPTION-TO-RULE REQUEST

CLIENT NAME	DATE OF BIRTH	DDD NUMBER	WAIVER
CRM NAME	REGION		DATE OF REQUEST
<p>Rule to be exempted (check all that apply) *Requires Division Director Approval</p> <p> <input type="checkbox"/> WAC 388-845-0610 Are there limits to Community Access? <input type="checkbox"/> WAC 388-845-1410 Are there limits to the Prevocational Services I can receive? <input type="checkbox"/> WAC 388-845-2110 Are there limits to the Supported Employment I receive? </p> <p> <input type="checkbox"/> Exemption to age 21 for day program eligibility <input type="checkbox"/> Approving more than one day program <input type="checkbox"/> Exempting employment goals for community access for a person age 62 or younger <input type="checkbox"/> Exceeding \$9,500 year in Basic Plus up to \$19,000 </p> <p> <input type="checkbox"/> WAC 388-845-1015 Exempting first use of Medicaid due to lack of provider <input type="checkbox"/> WAC 388-845-1515 <input type="checkbox"/> *Providing residential habilitation in parent home <input type="checkbox"/> WAC 388-845-0110 <input type="checkbox"/> *Approving parent provider for residential habilitation <input type="checkbox"/> WAC 388-845-0115; 0205; 0210 <input type="checkbox"/> *Exceeding average daily cost of ICF/MR <input type="checkbox"/> WAC 388-845-3035 <input type="checkbox"/> *Approving out-of state services <input type="checkbox"/> WAC 388-845-1606 <input type="checkbox"/> *Exempting most cost effective provider or service <input type="checkbox"/> <input type="checkbox"/> *Approval of state-only expenditures for persons to exceed their Basic and Basic Plus dollar limits. <input type="checkbox"/> <input type="checkbox"/> Approving state-only expenditure for services not covered in waiver scope of services. <input type="checkbox"/> <input type="checkbox"/> *To exceed the respite assessment hours. <input type="checkbox"/> <input type="checkbox"/> *To provide respite to a client with a live-in, paid, relative/non-parent provider. </p>			
Justification			
Begin date: _____ End date: _____ Or <input type="checkbox"/> Continuing			
Regional Administrator/Designee			
<input type="checkbox"/> Approved <input type="checkbox"/> Denied <p>Check one:</p> <input type="checkbox"/> This person is in the Basic or Basic Plus waiver and the cost of this ETR does not exceed the waiver limits.; <input type="checkbox"/> This person is in the Core or CPP waiver.			
REGIONAL ADMINISTRATOR/DESIGNEE SIGNATURE			DATE
Division Director			
DIVISION DIRECTOR			DATE

DISTRIBUTION: Client File, ETR Database

INSTRUCTIONS

AUTHORITY

The authority to grant an exception-to-rule is limited to those rules that are based on policy rather than the Waiver, Federal Code of Regulation (CFR), or Revised Code of Washington (RCW). If the rule is based on the waiver, only a Waiver amendment can change the rule.

Examples of rules that cannot be exempted with an ETR:

- Services not included in the waiver or waiver definitions;
- Providers who do not meet the qualifications in these rules;
- Maintaining waiver eligibility for clients who do not meet or comply with eligibility requirements.

ETR PROCEDURES

Request for an ETR will be submitted on the approved form for the specific to Waiver "ETR."

- End date of ETR cannot exceed end date of POC.
- Services approved through an ETR must be in the Plan of Care with "prior approval" box checked and a copy of the approved ETR form in the client record.
- Copy of Waiver ETRs will be sent to Waiver Program Manager via WEB application.
- The following chart lists the only rules that can be legally exempted.

WAIVER RULE	EXEMPTION	APPROVAL AUTHORITY
WAC 388-845-0610(2) Community Access WAC 388-845-1410(3) Prevocational Services WAC 388-845-2110(4) Supported Employment	C.A. services that do not lead to employment (for persons age 62 or younger). Age 21 and graduated from high school. Use of more than one day program per person. Exemption to Basic Plus \$9,500 limit up to \$19,000 year.	Regional Administrator/designee
WAC 388-845-1015(1) Extended State Plan Services requires use of Medicaid services first.	Exempting use of Medicaid if it is substantiated that no Medicaid provider is available or willing to accept Medicaid.	Regional Administrator/designee
WAC 388-845-1515 "Are there limitations to the Residential Habilitation Services I can receive?" RHS = <ul style="list-style-type: none"> • Companion home • Alternative living • DDD Certified Residential Child foster care, group care, staff residential home 	Contracting with a parent to be a provider of Residential Habilitation Providing RHS in the parent's home can only be exempted for the nine children receiving in-home RHS training through VPP as of March 2004.	Division Director
WAC 388-845-0110 "Are there limitations to the waiver services I can receive?"	Exceeding the average daily cost of an ICF/MR can be exempted. Exempting "the most cost effective option" of services and providers. Exemption to provide out-of-state residential services.	Division Director

WAIVER RULE	EXEMPTION	APPROVAL AUTHORITY
WAC 388-845-0205 “Does my waiver eligibility limit my access to DDD non-waiver services?”	Approving state-only expenditures: For services not in the client’s current waiver scope of services; To exceed the maximum expenditures in Basic and Basic Plus	RA: State-only expenditures that are within regional budget Division Director: State-only expenditures that exceed regional budgets and/or duplicate waiver services.
WAC 388-845-3035 “How is the respite assessment scored?”	To exceed the respite assessment lid	Division Director
WAC 388-845-1606 Exception to the requirements in WAC 388-845-1605 “Who is eligible to receive respite?”	Exemption criteria as specified in WAC 388-845-1606	Division Director